



Cave Springs, Arkansas

Planning and Development Department

CAVE SPRINGS PLANNING COMMISSION (CSPC) | January 3, 2017
CITY COUNCIL | January 10, 2017

STAFF REPORT

FILE: CSLS-16-12 and CSZ-16-16 | Lot-Split, Replat and Rezoning
OWNER: Wanda L. Sanders Trust
ADDRESS: 12755 Wood Duck Lane, Cave Springs, AR 72718
PARCELS: 05-10760-000
STR: Section 11, Township 18 North, Range 31 West
PARENT LEGAL: Lot 5 of Creekside Estates
LOT SIZE: 5 acres (217,800 ft²)
ZONING: R-1 Single-Family Residential District
EXISTING USE: Residential
APPLICANT: Chuck Bell
WARD: Ward #2 – Alderman Charles Lindley & Alderwoman Joan White
PREPARED BY: Craig Southern, CFM | Planning & Zoning Official

REQUEST:

The applicant, Chuck Bell, agent for the owner, the Wanda L. Sanders Trust, requests a Lot-Split and Replat (**CSLS-16-12**) and the approval of a Rezoning (**CSZ-16-16**) of a platted lot, Lot 5 of Creekside Estates, containing 5 acres (217,800 ft²) currently zoned R-1 Single-Family Residential District. The Lot-Split and Replat will consist of two (2) newly created lots with proposed Lot 5A containing 1.89 acres that will retain the R-1 Single-Family Residential District zoning and proposed Lot 5B containing 3.11 acres will be rezoned to an R-E Estate Single-Family Residential District. In conjunction with the Planning Commission requests, the applicant has also requested an additional approval of one (1) variance (**CSBZA-16-13**) from the Board of Zoning Adjustment (BZA) for Lot Width from the required one-hundred and twenty (120) linear feet to a requested one-hundred and five (105) linear feet along the north lot-line for proposed Lot 5A.

APPLICABLE CITY CODE SECTIONS:

Planning and Zoning Regulations of Cave Springs, AR | Ordinance 2016-16

Article 6. *District Regulations*

Section 6.1 A-1 General Agricultural District

Section 6.3 R-E Estate Single-Family Residential District

Section 6.4 R-1 Single-Family Residential District

Article 12. *Administration and Enforcement*
Section 12.5 *Amendments*
Article 11. *Board of Zoning Adjustment*
Section 11.3.2 *Variances*
Article 12. *Administration and Enforcement*
Section 12.5 *Amendments*
Subdivision Regulations of Cave Springs, AR | Ordinance 2010-03
Section 2. *Platting Procedures*

BACKGROUND:

This is a request for a Lot-Split, Replat and Rezoning on a property within the City of Cave Springs, Benton County, Arkansas. The originally platted lot, Lot 5 of Creekside Estates has a lot area of 5 acres (217,800 ft²), is currently zoned R-1 Single-Family Residential District and is located at 12755 Wood Duck Lane. Wood Duck Lane, is a Cave Springs maintained Local Street with a Cul-De-Sac. The Lot-Split and Replat will consist of two (2) newly created lots with proposed Lot 5A containing 1.89 acres that will retain the existing R-1 Single-Family Residential District zoning and proposed Lot 5B containing 3.11 acres will be rezoned to an R-E Estate Single-Family Residential District. A twenty-five (25) foot mutual access easement is proposed within Lot 5B as a common shared ingress/egress access, for both lots that are owned by Wanda L. Sanders Trust. The mutual access will share common access between both lots to allow for convenient flow of access while only creating one (1) access way to Wood Duck Lane. The mutual access easement will be dedicated and recorded within the Lot-Split and Replat Survey. The entire Lot 5 is located within the 100-year floodplain with an undetermined base flood elevation – Zone A, any new construction on the subject property must conform to Ordinance No. 2012-4 Floodplain Regulations of the City of Cave Springs. In conjunction with the Planning Commission requests, the applicant has also requested an additional approval of one (1) variance **(CSBZA-16-13)** from the Board of Zoning Adjustment (BZA) for Lot Width from the required one-hundred and twenty (120) linear feet to a requested one-hundred and five (105) linear feet along the north lot-line for proposed Lot 5A.

Attached to this Staff Report, is copy of the proposed Survey illustrating and detailing the proposed dimensions of the Lot-Split and Replat.

SURROUNDING LAND USE AND ZONING:

The subject property is currently zoned R-1 Single-Family Residential District and developed with an inhabited 3,773 ft² single-family dwelling. The surrounding properties to the South and West are similarly zoned R-1 Single-Family Residential District and the properties to the North and East are zoned A-1 General Agricultural within the City boundaries and General Agriculture within Benton County, the majority of this property to the North is The Creeks Golf Course. The character of the property and surrounding area is residential/agricultural-golf course

North:	A-1 General Agricultural <u>and</u> General Agriculture (Benton County)
East:	A-1 General Agricultural
South:	R-1 Single-Family Residential District
West:	R-1 Single-Family Residential District

(Attached to this Staff Report, is a Zoning Map (June 2016) of the subject property)

Comprehensive Plan:

No Future Land Use Map (FLUM) coverage

Flood Zone:

Proposed Lot 5A:

Zone A – Flood Zone; the entire lot is located within the 100-year floodplain with an undetermined base flood elevation

Proposed Lot 5B:

Zone A – Flood Zone; the entire lot is located within the 100-year floodplain with an undetermined base flood elevation

REVIEW AND ANALYSIS OF FINDINGS FOR CSLS-16-12 and CSCZ-16-16:

The Lot-Split (CSLS-16-12) would be supported in an R-1 Single-Family Residential District for proposed because both lots meet the minimum Lot Area requirement of one (1) acre. The rezoning (CSPCZ-16-07) for proposed Lot 5B to an R-E Estate Single-Family Residential District would allow both the proposed lot to meet the minimum Site Development Standards and uphold the intent of the district by accommodating the single-family dwelling on a low-density, large estate lot of two (2) or more acres. This lot-split and rezoning request is consistent with the surrounding land uses. CSLS-16-12 and CSZ-16-16 are companion applications and one cannot be approved without the other.

PUBLIC COMMENTS:

As of the writing of this report, staff has received no comments or concerns from the notified public.

LOT-SPLIT, REPLAT AND REZONING FINDINGS AND CONCLUSIONS OF LAW:

Findings of Fact:

1. It is staff's conclusion that the application meets the required findings for approval of the Lot-Split, Replat and Rezoning as submitted. Staff therefore recommends **Approval** of the Lot-Split, Replat and Rezoning subject to the specific conditions as outlined in the staff recommendation.

Conclusions of Law:

1. The applicant is proceeding in accordance with the requirements of the Planning and Zoning Regulations and Subdivision Regulations of Cave Springs, AR regarding a Lot-Split, Replat and Rezoning.

ALTERNATIVES:

1. Approve the Lot-Split, Replat and Rezoning as submitted by the applicant, based on findings of fact and conclusions of law.
2. Approve the Lot-Split, Replat and Rezoning as submitted by the applicant subject to staff's recommended conditions, based on findings of fact and conclusions of law (**Staff Recommendation**)
3. Deny the project based on findings of denial. The CSPC must conclude that the project does not meet all of the findings as recommended by staff. As part of the motion, findings for denial must be stated.
4. Postpone the project until issues identified during the public hearing can be resolved.

STAFF RECOMMENDATION:**Recommended motion for Cave Springs Planning Commission (CSPC):**

Move to **Approve** the Lot-Split, Replat and Rezoning request as follows:

Staff recommends approval of the request for a Lot-Split and Replat (**CSLS-16-12**) and the approval of a Rezoning (**CSZ-16-16**) of an original tract containing 5 acres (217,800 ft²) currently zoned R-1 Single-Family Residential District. The Lot-Split and Replat will consist of two (2) newly created lots with proposed Lot 5A containing 1.89 acres that will retain the R-1 Single-Family Residential District zoning and proposed Lot 5B containing 3.11 acres will be rezoned to an R-E Estate Single-Family Residential District.

Plus the following numerical conditions:

1. The applicant and property owner will comply with all sections of the Planning and Zoning Regulations of Cave Springs, AR, specifically *Section 6.3 R-E Estate Single-Family Residential District* and *Section 6.4 R-1 Single-Family Residential District*, other than any specific variances granted by the Cave Springs Board of Zoning Adjustment (BZA).
2. An individual Water Service and Water Meter are required for each lot.
3. Any new construction on either Lot 5A or Lot 5B must conform to Ordinance No. 2012-4 Floodplain Regulations of Cave Springs, AR and the Planning and Zoning Regulations.
4. Any additional conditions as recommended by the Cave Springs Planning Commission (CSPC) and the Cave Springs City Council with their final approval.

ATTACHMENTS:

1. Vicinity Map (1 page)
2. Surrounding Zoning Map | June 2016 (1 page)
3. Survey for Lot-Split and Replat (1 page)